

Courtney Miller O'Mara (NV Bar No. 10683)
FENNEMORE CRAIG, P.C.
300 E. 2nd Street, Suite 150
Reno, NV 89501
Telephone: (775) 788-2200
Facsimile: (775) 786-1177
Email: comara@fclaw.com

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John D. Fiero (*admitted pro hac vice*)
Shirley S. Cho (*admitted pro hac vice*)
PACHULSKI STANG ZIEHL & JONES LLP
150 California Street, 15th Floor
San Francisco, CA 94111
Telephone: (415) 263-7000
Facsimile: (415) 263-7010
E-mail: jfiero@pszjlaw.com
scho@pszjlaw.com

Counsel for the New Cal-Neva Lodge
Litigation Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

NEW CAL-NEVA LODGE, LLC,

Debtor.

Case No. 16-51282-gwz

Chapter 11

**DECLARATION OF AMANDA DEMBY IN
SUPPORT OF THE LITIGATION TRUST'S
OMNIBUS OBJECTION TO CLAIMS
(PAID/SATISFIED)**

Hearing Date: August 21, 2018
Hearing Time: 2:00 p.m.

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DECLARATION OF AMANDA DEMBY

I, Amanda Demby, make this declaration under 28 U.S.C. § 1746 and state as follows:

1. I am older than 21 years of age. I am competent to make this declaration (the “Declaration”).

2. I submit this Declaration for all permissible purposes under the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure and the Federal Rules of Evidence in support of the *Litigation Trust’s Omnibus Objection to Claims (Paid/Satisfied)* (the “Objection”).¹ I have read the Objection, and I am generally familiar with the information contained therein.

3. I am a Managing Director of Province, Inc., as the duly appointed Trustee (the “Trustee”) of the New Cal-Neva Lodge Litigation Trust (the “Trust”) of above-captioned debtor (the “Debtor”). Among my responsibilities in this position, I am responsible for the Trust’s review and analysis of claims in this chapter 11 case. Other individuals involved in this process act either (a) at my direction and under my supervision; or (b) with my advice, consultation and coordination. I am familiar with the review and analysis of the relevant claims, books and records concerning the matters addressed herein and in the Objection.

4. Except as otherwise indicated, my statements in this Declaration are based on my personal experience and knowledge as described above, my discussions (if any, as applicable) with relevant individuals and my review of relevant documents, including, without limitation, the proofs of claim and any applicable books and records, and/or summaries of them prepared for my review in connection with the Objection. If called to testify, I could and would testify as stated herein.

5. Certain claims, such as tax claims, were paid upon the Effective Date of the Plan directly from the buyer’s escrowed funds to the claimant. Certain other claims, such as mechanics’ lien holders under The PENTA Building Group were paid by PENTA with funds received by PENTA from the plan closing. Finally, the Trust has also paid various priority and secured claims pursuant to the Confirmation Order. Accordingly, upon information and belief, the Paid/Satisfied Claims identified on Exhibit A have been satisfied in full and the Trust requests entry of an order

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Objection.

1 marking such claims as satisfied on the Court's claims register, or in the alternative disallowing such
2 claims on the basis that such claims have been paid.

3 6. All of the claims listed on Exhibit "A" to the Objection were paid pursuant to the Plan
4 and/or Settlement Order, as referenced on Exhibit "A".

5 7. The information on Exhibit "A" is correct to my knowledge. In each instance, the
6 claimant has no valid legal justification for asserting the filed claim against the Debtor, as each such
7 claim has been paid in full. As a result, I believe that these claims should be marked as satisfied by
8 the Court.

9 8. I believe that granting the relief requested in the Objection is in the best interests of
10 the Debtor, its estate and creditors.

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1 I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and
2 correct to the best of my knowledge, information, and belief.

3 Executed this 29th day of May, 2018 at Encino, California.

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6 Amanda Demby
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